

INTER-OFFICE COMMUNICATION

Palm Beach County, Florida

N/C

JAN 17 1982

TO: John Sansbury, County Administrator
Richard Ellington, County Attorney
Herbert Kahlert, County Engineer
David Bludworth, State Attorney
Robert L. Bogen, Asst. Attorney General
Sgt. Cook, Sheriff's Dept.
Paul Zacks, Sheriff's Office
Robert Basehart, Zoning Director
Bob Brockway, Building Division, Director
Assistant County Attorney-
✓ Tracey Bennet, Planning, Zoning & Building
Dennis Moore, Animal Regulations

DATE: April 16, 1980

FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE NO. 80-2

An Ordinance known as "The Animal Fighting Ordinance of 1980".

In accordance with the request of the Board of County Commissioners enclosed
is a copy of subject Ordinance.

Signed

Frank Chenners

Enclosure

cc: Commissioner Evatt
Commissioner Bailey
Commissioner Foster
Commissioner Gregory
Commissioner Koehler
John B. Dunkle, Clerk
Minutes Department

AN ORDINANCE TO BE KNOWN AS THE "ANIMAL FIGHTING ORDINANCE OF 1980" PROVIDING FOR TITLE, DEFINITIONS, PROHIBITED CONDUCT, SEIZURE OF ANIMALS, EXCLUSIONS, PENALTIES, REPEAL OF LAWS IN CONFLICT, SEVERABILITY, INCLUSION IN CODE, AND EFFECTIVE DATE.

WHEREAS, the provisions of the Animal Fighting Act of 1976 apply only to bulls, bears and dogs, and

WHEREAS, the Board of County Commissioners of Palm Beach County declares it to be in the best public interest to extend the prohibition of the Animal Fighting Act of 1976 to all animals.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

SECTION I. TITLE

This ordinance shall be known as the Palm Beach County Animal Fighting Ordinance of 1980.

SECTION II. DEFINITIONS

A. As used in this ordinance:

1. "Animal" means every living, dumb creature,

2. "Baiting" means to attack with violence, to provoke, or to harass an animal with one or more animals, for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals.

3. "Person" means every natural person, firm, co-partnership, association or corporation.

SECTION III. PROHIBITED CONDUCT

The following acts shall be unlawful and a violation of this ordinance and subject to punishment as provided herein:

A. baiting, or using any animal for the purpose of fighting or baiting any other animal; or

B. knowingly owning, managing or operating any facility kept or used for the purpose of fighting or baiting any animal; or

C. promoting, staging, advertising or charging any admission fee to a fight or baiting between two or more animals; or

C. betting or wagering any money or other valuable

consideration on the fighting or baiting of animals; or

D. attending the fighting or baiting of animals.

SECTION IV. SEIZURE OF ANIMALS

Whenever a complaint is filed under this ordinance and a judge assigned to the case finds probable cause that a violation has occurred, the Court may order the animal seized and held until final disposition of the charges and shall provide for appropriate and humane care or disposition of the animal. This provision shall not be construed as a limitation on the power of law enforcement officers to seize animals as evidence. If an animal is unable to humanely survive the final disposition of the charges, the Court may order a humane termination of the animal's life. Upon conviction under this ordinance of the persons charged, all animals involved shall become the property of Palm Beach County and the Court may order a humane disposition of them.

SECTION V. EXCLUSIONS

The provisions of this ordinance shall not apply to:

A. any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided Florida Statute Section 828.12 is not violated;

B. any person using animals to pursue or take wildlife or to participate in any hunting as regulated, or subject to being regulated, by the rules and regulations of the Game and Fresh Water Fish Commission;

C. any person using animals to work livestock for agricultural purposes;

D. any person using animals to train greyhounds for legalized racing, if not otherwise prohibited by law;

E. any person using animals to hunt wild hogs or to retrieve domestic hogs;

SECTION VI. PENALTIES

A violation of this ordinance shall be punishable as a

1 misdemeanor according to law.

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3 SECTION VII. REPEALS OF LAWS IN CONFLICT

4 All local laws and ordinances applying to Palm Beach
5 County in conflict with any provision of this ordinance are hereby
6 repealed.

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8 SECTION VIII. SEVERABILITY

9 If any section, paragraph, sentence, clause, phrase or
10 word of this ordinance is, for any reason, held by the Court to
11 be unconstitutional, inoperative or void, such holding shall not
12 affect the remainder of this ordinance.

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14 SECTION IX. INCLUSION IN THE CODE

15 The provisions of this ordinance shall become and be
16 made a part of the code of laws and ordinances of Palm Beach
17 County, Florida. The Sections of this ordinance may be renumbered
18 or relettered to accomplish such, and the word "ordinance" may be
19 changed to "section," "article" or any other appropriate word.

20
21 SECTION X. EFFECTIVE DATE

22 The provisions of this ordinance shall become effective
23 upon receipt of acknowledgment by the Department of State, State
24 of Florida.

25
26 APPROVED and ADOPTED by the Board of County
27 Commissioners of Palm Beach County, Florida on the 1st day of
28 April, 1980.

29 PALM BEACH COUNTY, FLORIDA, BY ITS
30 BOARD OF COUNTY COMMISSIONERS

31 BY Dennis Koehler
32 Chairman

33
34 Acknowledged by the Department of State of the State of
35 Florida, on this, the 7th day of April, 1980.

36 EFFECTIVE DATE: Acknowledgment from the Department of

1 State received on the 14th day of April, 1980, at
2 3:17 PM.
3 M. and filed in the office of the Clerk of the Board of
4 County Commissioners of Palm Beach County, Florida.

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9 APPROVED AS TO FORM
10 AND LEGAL SUFFICIENCY

11 BY [Signature]
12 County Attorney

COUNTY OF PALM BEACH, STATE OF FLORIDA

CLERK OF CIRCUIT COURT

I, John B. Dunkle, Clerk of the Fifteenth Judicial Circuit Court of the State of Florida and Clerk of the Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance known as the "Animal Fighting Ordinance of 1980", approved and adopted by the Board of County Commissioners in regular session on April 1, 1980, as shown by the records of this office.

Given under my hand and the Seal of the Board of County Commissioners of Palm Beach County, Florida, at the County Courthouse, West Palm Beach, Florida,

this the 16th day of April, A.D., 1980.

JOHN B. DUNKLE, Clerk of
Circuit Court and Clerk of the
Board of County Commissioners.

By

James H. Chinn

Deputy Clerk

